

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: MARTIN FRANCIS CASEY, JR.  
AKA: MARTIN CASEY, MARTIN F.  
CASEY, JR., MARTIN CASEY, JR.,  
MARTY CASEY, MARTY CASEY, CHAPTER 13  
JR., MARTIN FRANCIS CASEY,  
MARTIN F. CASEY  
NICOLE MICHELE CASEY  
AKA: NICOLE MICHELE ZARZECKI,  
NICOLE M. CASEY, NICOLE CASEY,  
NICOLE M. ZARZECKI, NICOLE  
ZARZECKI CASE NO: 5-17-02942-JJT

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

vs.

MARTIN FRANCIS CASEY, JR.  
AKA: MARTIN CASEY, MARTIN F.  
CASEY, JR., MARTIN CASEY, JR.,  
MARTY CASEY, MARTY CASEY,  
JR., MARTIN FRANCIS CASEY,  
MARTIN F. CASEY  
NICOLE MICHELE CASEY  
AKA: NICOLE MICHELE ZARZECKI,  
NICOLE M. CASEY, NICOLE CASEY,  
NICOLE M. ZARZECKI, NICOLE  
ZARZECKI

Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on February 15, 2018, comes Charles J. DeHart, III, Standing Chapter 13 Trustee, by and through his attorney Agatha R. McHale, Esquire, and respectfully represents the following:

1. A Plan was filed on July 17, 2017.
2. A Confirmation hearing was held and an Order was entered on December 5, 2017 directing that an amended plan be filed within thirty (30) days.
3. As of the date of this Motion, an amended plan has not been filed.
4. The delay in filing a confirmable plan in this case is prejudicial to creditors.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case upon the basis that Debtors have failed to propose a confirmable Plan.

Respectfully submitted,

s/ Agatha R. McHale, Esq.

Id: 47613

Attorney for Trustee

Charles J. DeHart, III

Standing Chapter 13 Trustee

Ste. A, 8125 Adams Drive

Hummelstown, PA 17036

Ph. 717-566-6097

Fax. 717-566-8313

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NICOLE MICHELE CASEY  
AKA: NICOLE MICHELE ZARZECKI,  
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ZARZECKI

CHAPTER 13

CASE NO: 5-17-02942-JJT

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

**NOTICE**

NOTICE IS HEREBY GIVEN that Charles J. DeHart, III, Standing Chapter 13 Trustee for the Middle District of Pennsylvania has filed a Motion to Dismiss for failure to file a confirmable Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a hearing has been scheduled on this matter for:

U.S. Bankruptcy Court Max Rosenn U.S. Courthouse Courtroom #2 197 S. Main Street Wilkes Barre, PA	Date: March 6, 2018  Time: 09:35 AM
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Any objection or response filed must be filed with the Clerk, U.S. Bankruptcy Court and served on the Chapter 13 Trustee.

Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: [dehartstaff@pamd13trustee.com](mailto:dehartstaff@pamd13trustee.com)

Dated: February 15, 2018

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN        MARTIN FRANCIS CASEY,  
RE:        JR.

AKA: MARTIN CASEY,  
MARTIN F. CASEY, JR.,  
MARTIN CASEY, JR.,  
MARTY CASEY, MARTY  
CASEY, JR., MARTIN  
FRANCIS CASEY, MARTIN  
F. CASEY

CHAPTER 13

NICOLE MICHELE CASEY  
AKA: NICOLE MICHELE  
ZARZECKI, NICOLE M.  
CASEY, NICOLE CASEY,  
NICOLE M. ZARZECKI,  
NICOLE ZARZECKI

CASE NO: 5-17-02942-JJT

Debtor(s)

CHARLES J. DEHART, III  
CHAPTER 13 TRUSTEE  
Movant

**CERTIFICATE OF SERVICE**

AND NOW, on February 15, 2018, I, Vickie Williams, hereby certify that I served a copy of the Trustee's Motion to Dismiss, Notice, and Proposed Order either electronically or by depositing a true and correct copy of the same in the United States Mail at Hummelstown, Pennsylvania, first class mail, postage prepaid, addressed to the following:

TULLIO DeLUCA, ESQUIRE  
381 N 9TH AVENUE  
SCRANTON, PA 18504-

MARTIN FRANCIS CASEY, JR.  
NICOLE MICHELE CASEY  
2 KOHLER AVE.  
OLD FORGE, PA 18518

Respectfully Submitted,  
s/ Vickie Williams  
for Charles J. DeHart, III, Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
Email: dehartstaff@pamd13trustee.com

Dated: February 15, 2018

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Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed.